

U.S. Patent Application Serial No. 10/802,027
Response filed February 21, 2007
Reply to OA dated December 7, 2006

REMARKS

Claims 1 - 12 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated December 7, 2006.

Claims 1 - 12 are currently pending in this patent application, claims 1, 8 and 10 being independent claims.

Claims 4 and 5 stand rejected under 35 USC §112, first paragraph, for the specific reasons set forth on page 3 of the outstanding Office Action. The applicants respectfully request reconsideration of this rejection.

It is the applicants' position that claim 1 reads on the embodiments shown in both the applicants' Figs. 1 and 2, as both embodiments show an inflow chamber having a structure in which the fluid that flows into the inflow chamber is spouted up from the bottom portion of the inflow chamber and produces a rising flow of the fluid such that the fluid is directed in a taper-like fashion toward the filter element. The location of the "inlet" is not defined in claim 1.

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The applicants have amended the claims in order to also delete the numeric indicators from all of the claims.

Further, in the outstanding Action, claim 1 is mischaracterized in that the claim does not require the structure “to effect sprouting up of flow from the bottom portion of the inflow chamber,” as alleged. It is the applicants’ position that the structure directs the fluid that is sprouted up from the bottom portion of the inflow chamber (by whatever means) to be directed in a taper-like fashion toward the filter element.

In view of the above, the applicants have amended claim 1 so as to more clearly define the above-discussed operation of the filter. In view of the amendment to claim 1, claims 2, 3, and 5 have also been amended in order to have proper antecedent basis and in order not to again introduce components, which have already been introduced in the independent claim. For example, it is believed that the “guide” in claims 2, 3 and 5 is a portion of the “structure” recited in claim 1.

In view of the above, the withdrawal of the outstanding rejection under 35 USC §112, first paragraph, is in order, and is therefore respectfully solicited.

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As to the merits of this case, first, claims 1 - 6 and 8 are rejected under 35 USC §102(b) as being anticipated by Hull (U.S. Patent No. 1,197,634). The applicants respectfully request reconsideration of this rejection.

The Examiner alleges that Hull discloses the claimed invention, in particular that components (18, 19, 20 and 31) produce an upward and inwardly tapered flow in relation to the filter element (30), which is tapered. The Examiner is relying on the tapered shape of the filter to enable the present claims to read on the filter of Hull; that is, to have “a rising flow that is directed in a taper-like fashion toward said filter element.”

Therefore, in order to more particularly point out and distinctly claim the subject matter to which the applicants regard as their invention, the applicants have amended claims 1 and 8 to define the present filter as having a substantially cylindrical shape, as described and shown in the instant application.

Regarding claims 4 and 5, the Examiner takes the position that guide 18/19 serves as an inlet to the flow-rising portion of the inflow chamber. The applicants traverse this rejection for the reason that the “inlet,” as recited in claims 4 and 5, is an inlet from outside the filter going into the inflow chamber. Such configuration or structural arrangement is clearly taught in the

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applicants' specification.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Hull (U.S. Patent No. 1,197,634) is in order, and is therefore respectfully solicited.

Second, claims 6 and 11 are rejected under 35 USC §102(b) as being anticipated by Casaleggi (U.S. Patent No. 3,070,232). The applicants respectfully request reconsideration of this rejection.

The Examiner alleges that Casaleggi discloses target trapping element (41) supported by fall-off preventing element (33) and differential pressure sensor (26).

Casaleggi is, however, concerned primarily with a signal device on the filter for indicating when the filter has become clogged. Although Casaleggi may show two filter elements, the mesh size of the two filter elements, in relation to foreign matter which is a target, is not discussed.

It is inherent that the alleged "target trapping element" (41) would have a mesh smaller than the target foreign matter; however, the mesh size of the alleged "fall-off preventing

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element” (33) is not disclosed. At column 2, lines 67 - 68, it is said to be “wire cloth.”

It is believed that certain relative mesh sizes of the elements of claims 10 and 11, as disclosed in the applicants’ specification at page 26, lines 7 to page 27, line 7, are necessary for proper operation of the filter and for trapping the foreign matter between the two filter elements, and Casaleggi does not teach such relative mesh sizes.

Accordingly, in order to more particularly point out and distinctly claim the subject matter to which the applicants regard as their invention, claim 10 has been amended in order to include the relative mesh sizes.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Casaleggi (U.S. Patent No.(3,070,232) is in order, and is therefore respectfully solicited.

Lastly, claims 7, 9 and 12 are rejected under 35 USC §103(a) as being unpatentable over Hull in view of Casaleggi. The applicants respectfully request reconsideration of this rejection.

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It is respectfully submitted that the above-discussed deficiencies or drawbacks in the teachings of Hull and Casaleggi in failing to fully meet the claimed invention, as now recited in each of independent claims 1 and 8, are similarly applicable in traversing the Examiner's suggested combination of these references in rejecting claims 7, 9 and 12 because claim 7 depends from claim 1, while claims 9 and 12 depend from claim 8.

In view of the above, the withdrawal of the outstanding obviousness rejection under 35 USC §103(a) as being unpatentable over Hull in view of Casaleggi is in order, and is therefore respectfully solicited.

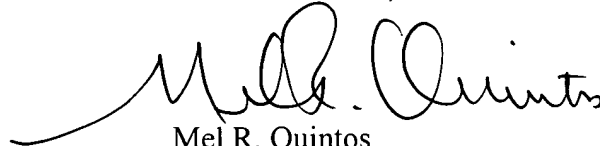
In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,
ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



Mel R. Quintos
Attorney for Applicants
Reg. No. 31,898

MRQ/lrj/ipc

Atty. Docket No. **040122**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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